

EXECUTIVE COUNCIL OF IOWA AGENDA

State Capitol - Robert D. Ray Conference Room (G09) 10:00 a.m.

JUNE 17, 2013

1. Introduction of Attendees
2. Approval of minutes of meeting held June 10, 2013
3. Litigation Expense Fund – Page 1
4. Payment of Cost Items – Page 1
5. Information Items – Page 1

3. Litigation Expense Fund

- A. Request from the Attorney Generals' office on behalf of the Department of Revenue and Finance to transfer funds to the Litigation Expense Fund for FY 2014 in the amount of \$210,000.00

TAB # 1

4. Payment of Cost Items

- A. Nyemaster, Goode, West, Hansell & O'Brien, P.C.....\$788.15
700 Walnut Street
Suite 1600
Des Moines, IA 50309
Collections of Accounts in Court

Julie Pottorff, Deputy Attorney General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the Department of Economic Development.

- B. Department of Corrections, Anamosa State Penitentiary..... \$11,946.82
On September 23, 2012 the State Penitentiary sustained fire damage to a boiler at the Power Plant. Request is to cover repairs.

The State Auditor's Office has reviewed these invoices and recommends payment.

- C. LaMarca & Landry, P.C.....\$5,378.43
1820 N.W. 118th Street, Suite 200
Des Moines, IA 50325
Godfrey v. State of Iowa et al, civil rights complaint

Julie Pottorff, Deputy Attorney General, has reviewed this invoice and recommends payment.

- D. Dorsey & Whitney, LLP\$324.50
P.O. Box 1680
Minneapolis MN 55480-1680
Honey Creek Premier Destination State Park

Julie Pottorff, Deputy Attorney General, has reviewed invoice and recommends payment. Payment will be made from the DNR funds.

5. Information Items

This is to advise that Des Moines County will be included and eligible to receive emergency assistance from the allocation approved by Executive Council on June 3, 2013 by Proclamation by Governor Branstad.

TAB # 2

RECEIVED
JUN 12 2013 9:34
THOMAS J. MILLER
ATTORNEY GENERAL

JULIE F. POTTORFF
DEPUTY ATTORNEY GENERAL



TAB # 1

Address Reply To:
1305 E. Walnut Street
Des Moines, Iowa 50319

Telephone: 515/281-3349
Fax: 515/281-4209
Julie.Pottorff@iowa.gov

Iowa Department of Justice

June 12, 2013

GeorgAnna Madsen
Executive Secretary
Executive Council
State Capitol
L-O-C-A-L

Re: Litigation Expense Fund

Dear GeorgAnna:

The Department of Revenue requests that the Executive Council transfer funds to the Litigation Expense Fund to pay anticipated litigation expenses for the next fiscal year. The Litigation Expense Fund is "created in the state treasury" and "shall be used for the payment of litigation expenses incurred by the state to defend property valuations established by the director of revenue" Iowa Code section 441.73(1) (2013). The Executive Council "shall transfer for the fiscal year beginning July 1, 1992, and each fiscal year thereafter, from funds established in sections 425.1 and 426.1 an amount necessary to pay litigation expenses." Iowa Code section 441.73(4). The funds referenced in these sections are: the Homestead Tax Credit Fund (§ 425.1) with an unspecified standing appropriation and the Agricultural Land Credit Fund (§ 426.1) with a standing appropriation of \$39,100,000 the first \$10,000,000 of which is transferred into the Family Farm Tax Credit Fund.

The balance in the Fund is capped by statute. "The amount in the fund for each fiscal year shall not exceed seven hundred thousand dollars. The executive council shall determine annually the proportionate amounts to be transferred from the two separate funds. At any time when no litigation is pending or in progress the balance in the litigation expense fund shall not exceed one hundred thousand dollars." Iowa Code § 441.23(4).

GeorgAnna Madsen
Executive Secretary
Page 2

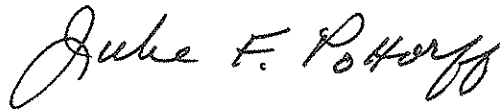
The Director of the Department of Revenue requests that a total of \$210,000 be transferred into the Litigation Expense Fund for FY '14 from these sources on the following basis:

78% - (\$163,800) - Homestead Tax Credit Fund under § 425.1; and
22% - (\$46,200) - Agricultural Land Credit Fund under § 426.1.

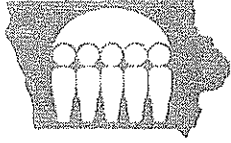
The amount of the request is based on estimates from outside counsel of the potential litigation costs during the 2014 fiscal year and estimated litigation costs attributed to the Attorney General's office. Litigation anticipated in the 2014 fiscal year will include constitutional challenges by several ethanol companies to the State's replacement tax system under Iowa Code chapter 437A, ongoing litigation with Cable One, Inc., over whether the company qualifies as a telephone company under Iowa code chapter 433, and several appeals by telephone companies of their property valuations for the 2011 and 2012 assessment years.

Generally, a transfer of funds at the start of each fiscal year is offset by any amount carried over from the previous fiscal year. The Department estimates a carryover from the 2013 fiscal year of approximately \$490,000 in unused funds. The transfer of an additional \$210,000 will bring total to \$700,000 and will replenish the Litigation Expense Fund sufficiently to cover estimated litigation expenses without exceeding the maximum statutory cap of \$700,000. *See* Iowa Code § 441.73(4).

Sincerely,

A handwritten signature in cursive script, reading "Julie F. Pottorff".

JULIE F. POTTORFF
Deputy Attorney General



Iowa Department of Human Services

Terry E. Branstad
Governor

Kim Reynolds
Lt. Governor

Charles M. Palmer
Director

June 13, 2013

Executive Council
Attn: GeorgAnna Madsen
Capitol Building
LOCAL

Item: Governor Proclamation of a State of Disaster Emergency – Request for Funds

Dear Ms. Madsen:

Per the Governor Disaster Declaration, I am requesting funding for the Iowa Individual Assistance Grant Program be placed on the Executive Council Agenda for Monday, June 17, 2013. The Iowa Department of Human Services is requesting the Executive Council adopt a Resolution to allow Funds previously granted in the amount of \$500,000.00 for Individual Assistance in Buena Vista, Butler, Cherokee, Floyd, Iowa, Jasper, Marshall, Plymouth, Sioux, Tama, Wright, Grundy, Johnson, Mitchell, Poweshiek, Wapello, Delaware, Linn, Black Hawk, Clay, Buchanan, Henry, Story, Cedar, Chickasaw, Davis, Decatur, Monroe, Greene, and Muscatine counties as added by Governor proclamation, pursuant to House File 896 Section 1 as amended with this same declaration.

The account coding for the funds to be transferred was and remains:

Dept Fund Appr Org
401 0391 0000 1305_ State Only Disaster – May 19th and continuing for Buena Vista, Butler, Cherokee, Floyd, Iowa, Jasper, Marshall, Plymouth, Sioux, Tama, Wright, Grundy, Johnson, Mitchell, Poweshiek, Wapello, Delaware, Linn, Black Hawk, Clay, Buchanan, Henry, Story, Cedar, Chickasaw, Davis, Decatur, Monroe, Greene, Muscatine, Fayette, and Des Moines counties as amended by Governor proclamation.

Thank you for your assistance.

Sincerely,

Charles M. Palmer
Director

cc: Vern Armstrong
Marvin Shultz
Kris Thomas
Lee Hill

Madsen, GeorgAnna [TOS]

From: Press Release from Iowa Governor's Office <Press.Releases@iowa.gov>
Sent: Thursday, June 13, 2013 9:10 AM
To: Madsen, GeorgAnna [TOS]
Subject: RELEASE: Gov. Branstad issues proclamation of disaster emergency for Des Moines County

Follow Up Flag: Follow up
Flag Status: Flagged

OFFICE OF THE GOVERNOR
Governor Terry E. Branstad ★ Lt. Governor Kim Reynolds

FOR IMMEDIATE RELEASE: Thursday, June 13, 2013
Contact: Governor's Office 515-725-3518

Gov. Branstad issues proclamation of disaster emergency for Des Moines County

(DES MOINES) — Governor Terry E. Branstad has issued a proclamation of disaster emergency for one additional county in response to recent storms and flooding.

The Governor issued a proclamation to activate the Iowa Individual Assistance Program in Des Moines County. A governor's proclamation of disaster emergency had been issued June 4 to make state resources available for disaster response in Des Moines County.

The Iowa Individual Assistance Program provides grants of up to \$5,000 for home or car repairs, replacement of clothing or food, and for the expense of temporary housing. Original receipts are required for those seeking reimbursement for actual expenses related to storm recovery. The grant application and instructions are available at the "Disaster Assistance" link on the Iowa Department of Human Services website:
www.dhs.iowa.gov.

###

You are currently subscribed to the Governor's Office Press Release List as: georganna.madsen@iowa.gov.
To unsubscribe click the Unsubscribe link below, or send a blank email to: leave-819614-3014869.b9630a589e25e15d89a0f4c2fd7bf97f@Lists.ia.gov
Click to [Unsubscribe](#) .